

### REMARKS/ARGUMENTS

Claims 1 -13 are now present in this application.

The title has been amended, and the claims 1-13 have been amended. Reconsideration of the application, as amended, is respectfully requested.

#### Rejection of Claim 8 under 35 U.S.C. §102(b)

Claims 8 is rejected under 35 U.S.C. §102(b) as being anticipated by Ueno et al. (US5,625,415). This rejection is respectfully traversed.

Ueno et al. disclose an apparatus and a method for automatic focusing in a camera system. A processing apparatus performs a pre-shooting to beforehand photograph a camera subject for a light metering through controlling a camera. Image data representative of a pre-shot image of the object formed through the pre-shooting is subjected to a reduction processing by a camera control, and then transmitted to the processing apparatus. The pre-shot image is displayed on a predetermined area of a display unit. Area information representative of a photometric domain in the pre-shot image and a photometric method is determined in accordance with operational information of which the processing apparatus is formed by an input device. An exposure value is calculated from image data representative of the pre-shot image on the basis of the determined area information. Exposure information representative of a shutter speed and a stop corresponding to the calculated exposure value is formed. The image of the object is again photographed by the camera on the basis of the formed exposure information and the control of the processing apparatus.

It is noted that the limitations of claim 8 has amended that **a plurality of images have been capturing and storing, each depth of field corresponding to the images overlaps a part of other depth of field, the background object is within one of said depth of field, and the topic object is within one of said depth of field.** It is respectfully submitted that Ueno et al. doesn't teach this feature.

The image capturing method of the claimed invention includes capturing and storing a plurality of images which corresponds to a plurality of depth of field. Therefore the plurality of images can provide at least one image to show a clear topic object. There is no need for the claimed invention to pre-shoot an image and check the image shown in a display device by a user. And the claimed invention is not only suitable for a digital camera but also suitable for a film camera.

In view of the foregoing amendments and remarks, it is respectfully submitted that the image capturing method of independent claim 8 is neither taught or suggested by Ueno et al. Reconsideration and withdrawal of the 35 USC 102(b) rejection are respectfully requested.

Rejection of Claims 1-7, 9-13 under 35 U.S.C. §103(a)

Claims 1, 12-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueno et al. in view of Vlahos (US6,646,687). This rejection is respectfully traversed.

Claims 2-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueno et al. in view of Vlahos, and further in view of Rinn (US4,639,110). This rejection is respectfully traversed.

Claims 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueno et al. in view of Rinn et al. This rejection is respectfully traversed.

Vlahos discloses a method and an apparatus for automatically defocusing a background scene as the background scene is being composited with a foreground subject during the photography of the subject, where the background scene becomes increasingly defocused as the subject appears to approach the camera. A source of background image signals is connected to a background input of a compositing device capable of averaging

a selected group of background pixels. A source of foreground image signals is connected to a foreground input of the compositing device. A matte signal generated by the compositing device is accessed and the matte signal is used to determine the ratio of foreground subject area to image frame area. The area ratio is then used to select, for each pixel in said background image, a number of adjacent pixels to be averaged to form an average pixel level. The signal levels at each pixel in the background scene are replaced with the average pixel level. This results in a defocusing of the background scene in proportion to the apparent reduction in camera to subject distance.

Rinn et al. disclose an automatic focusing system for photographic cameras. The system functions by means of an infrared light source and an infrared detector. The infrared radiation is focused as a function of object distance in such a manner on the detector that this detector is divided into two detector segments each of which supplies a partial current of which the ratio depends directly on the object distance. The detector is followed by an electronic computing circuit which sets the objective as a function of a preselection implemented by a switch to one of the following modes of operation: (a) the focus is on the object to be photographed (b) the depth of field is extended from the object toward the camera (c) the depth of field is extended from the object to the rear (d) the depth of field is extended from the object to infinity (e) the depth of field is extended to between two consecutively targeted objects.

Ueno et al. do not disclose that the image capturing method comprises:

**capturing and storing a first image according to a first distance in focus to said background object, said first distance in focus corresponds to an exposure value and a first depth of field;**

**acquiring a second distance in focus, wherein said second distance in focus corresponds to said exposure value and a second depth of field, and said second depth of field overlaps a part of said first depth of field;**

**capturing and storing a second image according to said second distance in focus; and**

**replacing said first distance in focus with said second distance in focus, and**

**repeating step (c) and step (d) till said topic object being within said second depth of field.**

And Ueno et al. do not disclose that **the image capturing device comprises a processor for outputting an executing command to capture and store a plurality of images corresponding to an exposure value, each one of said images including a topic object and a background object, each said distance in focus corresponding to a depth of field, wherein each said depth of field overlaps a part of other said depth of field, said topic object is within one of said depth of field.**

One of ordinary skill in the art can not make the claimed invention be obvious from the teaching of Ueno et al. and Vlahos. Therefore, Claims 1, 12 are not unpatentable over Ueno et al. in view of Vlahos.

Accordingly, it is respectfully submitted that the image capturing method and device of independent claims 1 and 12, as well as their dependent claims, are neither taught nor suggested by the prior art utilized by the Examiner. Accordingly, reconsideration and withdrawal of the 35 USC 103(a) rejections are respectfully requested.

Conclusion

In light of the above remarks to the claims, Applicant contends that present invention is patentable thereover. Claims 1-13 are now in condition for favorable consideration and allowance of Claims 1-13 are most respectfully requested.

Respectfully submitted,

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